

MAY. 11. 2004 4:56PM

NIXON PEABODY

NO. 9968 P. 1

#9

**Nixon Peabody LLP**  
Attorneys at Law401 9<sup>th</sup> Street, N.W.  
Suite 900  
Washington, DC 20004  
(202) 585-8000

Fax: (202) 585-8080

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MAY 13 2004

OFFICE OF PETITIONS

**PRIVILEGE AND CONFIDENTIALITY NOTICE**

The information in this fax is intended for the named recipients only. It contains privileged and confidential matter. If you have received this fax in error, please notify us immediately by a collect telephone call to (703) 790-9110 and return the original to the sender by mail. We will reimburse you for postage. Do not disclose the contents to anyone. Thank you.

**FAX**

To:	Company	Fax #:	Telephone #:
1) OFFICE OF PETITIONS	US. Patent and Trademark Office	703-872-9306	
2)			
3)			

INTERNATIONAL PHONE NUMBERS MUST INCLUDE COUNTRY &amp; CITY CODE. SEE LOCAL WHITE PAGES FOR CODES NEEDED.


From: Raymond Van Dyke	Date: May 11, 2004	No. of Pages: (including this page)	Serial No. 09/810,957
------------------------	--------------------	--	-----------------------

**Comments:**

Attached please find the Transmittal, Fee Transmittal, Petition, Under 37 C.F.R. 1.137(a) Pursuant to MPEP Chapter 711.03(c)(III) with attachments and Drawings (12 Sheets) for filing at the USPTO.

Please feel free to contact me if you have any questions.

Raymond Van Dyke  
Registration 34,746


**CERTIFICATE OF TRANSMISSION****CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop *Petition*, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

May 11, 2004  
Date

*Shoshone Abdulkarim*  
Signature  
Shoshone Abdulkarim  
Typed or printed name

Original of the transmitted document will be sent by:

☐ First Class Mail☐ Overnight Mail☐ Hand Delivery☐ This transmission will be the only form of delivery of this document

**IF YOU DO NOT RECEIVE ALL OF THESE PAGES, PLEASE CONTACT THE FAX OPERATOR AS SOON AS POSSIBLE AT: (202)585-8000. THANK YOU.**

CONFIRMATION: DATE SENT \_\_\_\_\_ TIME \_\_\_\_\_ BY \_\_\_\_\_

INTEROFFICE TO: ☐ Albany ☐ Boston ☐ Buffalo ☐ Garden City ☐ Hartford ☐ Manchester  
☐ New York City ☐ Northern Va. ☐ Providence ☐ Rochester ☐ Washington

To:	Company	Fax #:	Telephone #:
1) OFFICE OF PETITIONS	US. Patent and Trademark Office	703-872-9306	

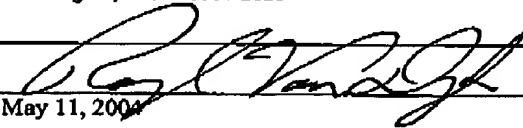
INTERNATIONAL PHONE NUMBERS MUST INCLUDE COUNTRY &amp; CITY CODE. SEE LOCAL WHITE PAGES FOR CODES NEEDED.

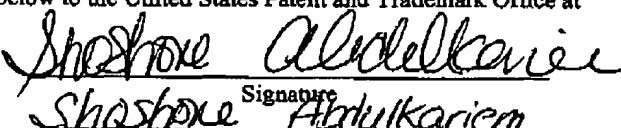
From: Raymond Van Dyke	Date: May 11, 2004	No. of Pages: (including this page)	Client/Matter: 032207-8000
User #: 0384	Ext: 8250	Disbursement Amount: \$	

NV 4202557 1

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/810,957
		Filing Date	March 16, 2001
		First Named Inventor	Mark NAIR
		Group Art Unit	2131
		Examiner Name	To be determined
Total Number of Pages in This Submission		Attorney Docket Number	032207-8000

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> For Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Response to Advisory Action <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input checked="" type="checkbox"/> Drawing(s) (12 Sheets) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition To Make Special Under 37 C.F.R. 1.137(a) Pursuant To MPEP Chapter 711.03(c)(II) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Brief (in Triplicate) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures <input type="checkbox"/> A self-addressed prepaid postcard for acknowledging receipt <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks	<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 (740123-351) for the above identified docket number.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	<u>Raymond Van Dyke, Registration No. 34,746</u> Nixon Peabody LLP Suite 900 401 9th Street, N.W. Washington, D.C. 20004-2128
Signature	
Date	May 11, 2004

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]	
I hereby certify that this correspondence is being:	
<input type="checkbox"/> deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450	
<input checked="" type="checkbox"/> transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306	
May 11, 2004 Date	 Signature Shashore Abdulkarim Typed or printed name

**RECEIVED**

PTO/SB/17 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

Complete if Known

MAY 13 2004

**FEE TRANSMITTAL  
FOR FY 2004**

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT** (\$110.00)

Serial Number 09/810,957  
 Filing Date March 16, 2001  
 First Named Inventor Mark NAIR  
 Examiner Name To be Determined  
 Group Art Unit 2131  
 Attorney Docket No. 032207-8000

**OFFICE OF PETITIONS****METHOD OF PAYMENT**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

19-2380

Deposit  
Account  
Name

Nixon Peabody LLP

- ☒ Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17

- ☐ Applicant claims small entity status.  
See 37 CFR 1.27

2. ☒ Payment Enclosed:

- ☐ Check ☐ Credit Card ☐ Money  
Order ☐ Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

**SUBTOTAL (1)** (\$)**2. EXTRA CLAIM FEES**

Total Claims  -23\*-  X  =

Independent Claims  -4\*-  X  =

Multiple Dependent  =

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
103 18	203 9	Claims in excess of 20	
102 86	202 43	Independent claims in excess of 3	
104 290	204 145	Multiple dependent claim, if not paid	
109 86	209 43	** Reissue independent claims over original patent	
110 18	210 9	** Reissue claims in excess of 20 and over original patent	

**SUBTOTAL (2)** (\$)

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)**

Fee Code	Large Entity Fee (\$)	Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105 130	205 65			Surcharge - late filing fee or oath	
127 50	227 25			Surcharge - late provisional filing fee or cover sheet	
139 130	139 130			Non-English transaction	
147 2,520	147 2,520			For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*			Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*			Requesting publication of SIR after Examiner action	
115 110	215 55			Extension for reply within first month	
116 420	216 210			Extension for reply within second month	
117 950	217 475			Extension for reply within third month	
118 1,480	218 740			Extension for reply within fourth month	
128 2,010	228 1,005			Extension for reply within fifth month	
119 330	219 165			Notice of Appeal	
120 330	220 165			Filing a brief in support of an appeal	
121 290	221 145			Request for oral hearing	
138 1,510	138 1,510			Petition to institute a public use proceeding	
140 110	240 55			Petition to revive - unavoidable	
141 1,330	241 665			Petition to revive - unintentional	
142 1,330	242 665			Utility issue fee (or reissue)	
143 480	243 240			Design issue fee	
144 640	244 320			Plant issue fee	
122 130	122 130			Petitions to the Commissioner	
123 50	123 50			Processing fee under 37 CR 1.17(q)	
126 180	126 180			Submission of Information Disclosure Stmt	
581 40	581 40			Recording each patent assignment per property (times number of properties)	
146 770	246 385			Filing a submission after final rejection (37 CFR § 1.129(a))	
149 770	249 385			For each additional invention to be examined (37 CFR § 1.29(b))	
179 770	279 385			Request for Continued Examination (RCE)	
169 900	169 900			Request for expedited examination of a design application	

Other fee (specify) Maintenance FeeMaintenance Fee Surcharge - Unintentional


\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$ 110.00)**CERTIFICATE OF MAILING**

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Name: \_\_\_\_\_

**SUBMITTED BY**

Name (Print/Type)	Raymond Van Dyke	Registration No.	34,746	Telephone	(202) 585-8250
Signature		Attorney/Agent		Date	May 11, 2004

Complete (if applicable)

#9

PATENT  
032207-8000

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: )  
Mark NAIR ) Examiner: To be Determined  
Serial No. 09/810,957 )  
Filed: March 16, 2001 ) Art Unit: 2131  
For: SYSTEM, METHOD AND )  
APPARATUS FOR THE ) Confirmation No. : 7246  
CONTROLLED DISSEMINATION OF ) ATTENTION: OFFICE OF  
DIGITAL WORKS ) PETITIONS

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to: Mail Stop Petition, Commissioner of Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or being facsimile transmitted to the USPTO at (703) 872-9306, on May 11, 2004.



Shoshono Abdulkariem

PETITION, UNDER 37 C.F.R. 1.137(a) PURSUANT  
TO MPEP CHAPTER 711.03(c)(III)

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This petition is filed in response to the Notice of Abandonment Under 37 C.F.R. 1.53(f) or (g) of February 19, 2004 which indicates that the instant application has been abandoned for failure to file a timely response to the Notice to File Corrected Application Papers of April 30, 2001. For the reasons set to follow, the Applicant

1330.00  
62 R 1453

Application No. 09/810,957

Docket No. 032207-8000

Page - 2 -

respectfully requests that the instant application be revived subject to the conditions of MPEP Chapter 711.03(c), since the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable.

Specifically, on March 16, 2001 the above identified application was filed on behalf of the inventor Mark Nair by the undersigned. The original Declaration filed with the instant application set forth the correspondence address as:

Raymond Van Dyke  
Jenkins & Gilchrist, P.C.  
3200 Fountain Place  
1445 Ross Avenue  
Dallas, Texas 75202-2799

On April 8, 2001, the undersigned left the Jenkins & Gilchrist, P.C. firm and joined the firm of Dorsey & Whitney LLP while bringing the Applicant's prosecution file to the new firm.

On April 30, 2001, the USPTO mailed a Notice to File Corrected Application Papers to the Jenkins & Gilchrist firm, a copy of which was received by the undersigned from Mr. Preston Wallace, USPTO Office of Initial Patent Examination on March 10, 2004 (copy attached). As can be seen from the copy of the docket record from the Jenkins & Gilchrist firm, both the Notice to File Corrected Application Papers (of April 30, 2001) and the Official Filing Receipt (of May 3, 2001) were received by the Jenkins & Gilchrist, but there is no indication that either paper was ever forwarded to the undersigned at the Dorsey & Whitney firm. Indeed a review of the prosecution file by the undersigned reveals that the neither the Notice to File Corrected Application Papers or the Official Filing Receipt was ever forwarded to the undersigned at Dorsey & Whitney.

As required by 37 C.F.R. § 1.33(a)(2) and § 1.36, a Revocation and Power of Attorney (copy attached), was filed on October 9, 2001. The new correspondence address identified in the Revocation was listed as:

Application No. 09/810,957

Docket No. 032207-8000

Page - 3 -

Raymond Van Dyke, Reg. No. 34,746  
Dorsey & Whitney, LLP  
1001 Pennsylvania Ave., N.W., #400 South  
Washington, DC 20004

Pursuant to § 1.36 and MPEP 402.05, the revocation and appointment took effect when received, i.e., October 9, 2001. However, the USPTO did not take action on the Revocation and Power of Attorney until the mailing, on February 3, 2003, of the Notice of Acceptance/Notice Regarding Change of Power (copy attached) to the new Dorsey & Whitney address nearly sixteen months after filing the Revocation and Power of Attorney. A review of the Applicant's electronic docket record at both the Jenkins & Gilchrist firm and the Dorsey & Whitney firm (copies of run dates 2/10/03, 5/17/02, 10/16/01, 10/10/01, 6/19/01, 5/30/01 attached) reveals that even though several documents were filed by the Applicant's representative, no documents were received by the undersigned from the USPTO or transferred from the Jenkins & Gilchrist firm to the undersigned during the period from the initial filing date of March 16, 2001 until receipt of the Notice of Acceptance/Notice Regarding Change of Power on February 3, 2003 at the Dorsey & Whitney firm.

On September 8, 2003, the undersigned left the Dorsey & Whitney, LLP firm and joined the firm of Nixon Peabody LLP while again bringing the Applicant's prosecution file to the new firm. Finally, a review of the Applicant's prosecution file and docket record (copy attached) at Nixon Peabody LLP by the undersigned also reveals that no documents had been received from the USPTO or forwarded by the Jenkins & Gilchrist firm during the period from initial filing date of March 16, 2001 until receipt of the Notice of Acceptance/ Notice Regarding Change of Power on February 3, 2003. Please note that the Notice of Abandonment Under 37 C.F.R. 1.53(f) or (g) was forwarded by the Dorsey & Whitney firm to Nixon Peabody and that the filing of a petition for revival had been docketed for April 21, 2004.

Application No. 09/810,957

Docket No. 032207-8000

Page - 4 -

Since the period for response to the Notice to File Corrected Application Papers expired on October 30, 2001, the present application is now abandoned. However, the failure to respond to the Notice was unavoidable since neither the Notice or Official Filing Receipt, while received by the Jenkins & Gilchrist firm, were never forwarded to the undersigned at the Dorsey & Whitney firm or the Nixon Peabody firm, as evidenced above. Consequently, the Applicant respectfully requests revival of the instant application, according to the provisions of MPEP Chapter 711.03(c)(III).

Additionally, the Applicant request that the correspondence address be corrected in the USPTO electronic PAIR system to the address set forth in the Change of Correspondence Address filed herewith, i.e., form PTO/SB/122, which presents a new correspondence address as:

Raymond Van Dyke, Reg. No. 34,746  
Nixon Peabody LLP  
401 9<sup>th</sup> Street, N.W., Suite 900  
Washington, DC 20004-2128

and, further, that the substitute drawing twelve (12) sheets, having the proper margins, be accepted as a proper response to the Notice to File Corrected Application Papers. Finally, it is requested the an Official Filing Receipt be mailed along with a decision on this petition.

It is respectfully requested that the required fee (\$110.00), under 37 C.F.R. 1.17(l), for a petition, under 37 C.F.R. 1.137(a) *Unavoidable*, be charged to Deposit Account No. 19-2380 (032207-8000). Finally, if it is determined that the above explanation and evidence presented does not satisfy the requirements of 37 C.F.R. 1.137(a)(3), then it is requested that the instant petition be accepted as a petition under 37 C.F.R. 1.137(b) *Unintentional* since the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional,

Application No. 09/810,957

Docket No. 032207-8000

Page - 5 -

and charge the required fee (\$1330.00), under 37 C.F.R. 1.17(m), to Deposit Account No. 19-2380 (032207-8000).

Prompt attention to this matter is appreciated.

Respectfully submitted,

Date: May 11, 2004

By:



Raymond Van Dyke

Registration No. 34,746

NIXON PEABODY LLP  
401 9<sup>th</sup> Street, N.W.  
Suite 900  
Washington, DC 20004-2128

(202) 585-8000  
(202) 585-8080 fax

**Attachments:**

Copy of Notice to File Corrected Application Papers of 4/30/01, via facsimile from Preston Wallace, OIPE

Copy of Docket Record 32287-00017USPT for the Jenkins & Gilchrist firm for S.N. 09/810,957

Copy of Notice of Acceptance/Regarding Change of Power of Attorney of 2/3/03

Copy of Notice of Abandonment of 2/19/04 received from Dorsey & Whitney firm

Copy of Docket Record 12147 for Appl. SN 09/810,957 from Dorsey & Whitney

Copy of Docket Record 032251-007000 for Appl. SN 09/810,957 from Nixon Peabody



03/10/04 02:01

001

U.S. Department of Commerce  
Patent and Trademark Office  
Office of Initial Patent Examination (OIPÉ)

DATE: 03-10-04SEND TO: MR Raymond Van DykeFax Number: 202-585-8080

Office Telephone Number: \_\_\_\_\_

FROM: Preston Wallace

Fax Number: \_\_\_\_\_

Office Telephone Number: 703-308-9452Pages Sent (Including cover sheet) 3

03/10/04 02:01

Page 1 of 1



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/810,957	03/16/2001	Mark Nair	32287-17USPT

RAYMOND VAN DYKE  
Jenkins & Gilchrist, P.C.  
3200 Fountain Place  
1445 Ross Avenue  
Dallas, TX 75202-2799

CONFIRMATION NO. 7246

## FORMALITIES LETTER



\*0C00000000002448\*

Date Mailed: 04/30/2001

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

## Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY

03/10/04 02:02

2 c

Page 1 of 1



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20230  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/810,957	03/16/2001	Mark Nair	32287-17USPT

CONFIRMATION NO. 7248

## FORMALITIES LETTER



\*0C000000000024487\*

RAYMOND VAN DYKE  
Jenkins & Gilchrist, P.C.  
3200 Fountain Place  
1445 Ross Avenue  
Dallas, TX 76202-2798

Date Mailed: 04/30/2001

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

*Filing Date Granted*

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

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The application is informal since it does not comply with the regulations for the reason(s) indicated below.

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  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**Patent Record Summary Sheet**

Printed: 14-Apr-04

Created: 03/20/2001 Last Upd: 02/12/2003 By: 8W

<b>Docket #:</b> 32287-00017USPT	<b>Country:</b> United States
<b>Case Type:</b> Regular	<b>Client Ref #:</b>
<b>Relationship:</b> Original Filing	<b>Status:</b> Inactive
<b>Filing Type:</b> National	<b>Sub-Status:</b> Transferred
<b>Filing #:</b>	<b>SubStat Dt:</b> 07/01/2001
<b>Convention:</b> Provisional Priority Claimed	<b>Examiner:</b>

**Client:** ANDR - Anderson Merchandising  
**Owner:** INVT - INVENTORS/APPLICANTS

**Group:****For Agt:****For Agt Ref #:****Dev. Atty:** RVD**Assignment:**

**Parent Clty:** USA  
**Parent #:** 60/190286  
**Application #:** 08/810957  
**Patent #:**  
**Publication #:**

**1st Filed:** 03/17/2000**Parent Dt:****Filed Dt:** 03/16/2001**Grant Dt:****Pub Dt:****Resp. Atty:** RVD**Work Atty:** RVD**Expires:****Next Tax:****Tax Base:****Claims:** 1**Paralegal:** SKE**Pat Agt:****File Loc:** DA**Entity:** N

**Title:** SYSTEM, METHOD AND APPARATUS FOR THE CONTROLLED  
 DISSEMINATION OF DIGITAL WORKS

**Pending Actions:**

Action Due	Due Date	IP Clerk 1	IP Clerk 2	Action Notes
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**Taken Actions (awaiting confirmation):**

Action	Taken	Due Date	IP Clerk 1	IP Clerk 2	Action Notes
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**Completed Actions:**

Action	Completed	Taken	Due Date	IP Clerk 1	IP Clerk 2	Action Notes
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Revocation of power	02/09/2003					revoked
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Filing receipt received	03/08/2001		08/18/2001			
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Notice of Missing Parts Mail Date	04/30/2001		04/30/2001			Notice to File Corrected Application Papers
--------------------------------------	------------	--	------------	--	--	---

Foreign Filing Completed	03/18/2001		03/17/2001			
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File application	03/18/2001	03/18/2001				
------------------	------------	------------	--	--	--	--

**User Text:** DS SYSTEM, METHOD AND APPARATUS FOR THE CONTROLLED DISSEMINATION OF  
 DIGITAL WORKS  
 TCS Inactive; transferred to Ray VanDyke.  
 TL SYSTEM, METHOD AND APPARATUS FOR THE CONTROLLED  
 DISSEMINATION OF DIGITAL WORKS

**Inventors:** Natr, Mark



Commissioner for Patents Washington, DC 20521 www.uspto.gov			
APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/810,957	03/16/2001	Mark Nair	12147

27082  
DORSEY & WHITNEY  
INTELLECTUAL PROPERTY DEPARTMENT  
1001 PENNSYLVANIA AVE., N.W.  
SUITE 300 SOUTH  
WASHINGTON, DC 20004

CONFIRMATION NO. 7246



\*OC000000009488909\*

Date Mailed: 02/03/2003

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 10/09/2001.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

MONICA L YOUNG  
OICE (703) 306-3482

OFFICE COPY

Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/810,957	03/16/2001	Mark Nair	32287-17USPT

RAYMOND VAN DYKE  
Jenkins & Gilchrist, P.C.  
3200 Fountain Place  
1445 Ross Avenue  
Dallas, TX 75202-2799

CONFIRMATION NO. 7246



\*OC00000000946888\*

Date Mailed: 02/03/2003

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 10/09/2001.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

MONICA L. YOUNG  
OIPB (703) 306-3482

OFFICE COPY



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/810,957	03/16/2001	Mark Nair	12147

27082  
DORSEY & WHITNEY LLP  
1001 PENNSYLVANIA AVENUE, N.W.  
SUITE 400 SOUTH  
WASHINGTON, DC 20004

RECEIVED

FEB 23 2004

DORSEY &amp; WHITNEY LLP

CONFIRMATION NO. 7246

ABANDONMENT/TERMINATION  
LETTER

100000000011924394  
\*OC000000011924394\*

Date Mailed: 02/19/2004

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 04/30/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

Donsey &amp; Whitney

## Country Applications

Docket Number:	12147	Country:	US	SubCase:	00
Client:	00459933	ANDERSON MERCHANDISING	United States of America		
Matter:	8	CPA:	No		
Case Type:	ORD	Application Status:	Pending		
Application Number:	09/810957	Filing Date:	16-Mar-2001		
Patent Number:		Issue Date:			
Publication Number:		Publication Date:			
Tax Schedule:	LE	Expiration Date:			
Agent:		Agent Reference Number:			
		Title:	SYSTEM, METHOD AND APPARATUS FOR THE CONTROLLED DISSEMINATION OF DIGITAL WORKS		

Docket Number:		12147	US	00
Action(s) Due	Due Date	Indicator	Action Taken	Response Sent
Awaiting Off. Action-filing dt	10-Jun-2003	Reminder	<input type="checkbox"/>	<input type="checkbox"/>

Remarks: Transferred from Jenkins & Gilchrist; Continuing Application of 60/190268 filed 03/17/2000; IDS filed 06/18/01; Revocation and Power of Atty filed 10/09/01; IDS filed 03/25/02; Recv'd 2/10/2003 notice of acceptance of power of attorney dated 2/3/2003

UserID:	Warren Wi	Date Created:	5/30/2001	Last Update:	2/10/2003
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**Country Applications**

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Client:	00459933	ANDERSON MERCHANDISING	United States of America		
Matter:	8	CPA:	No		
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Patent Number:		Issue Date:			
Publication Number:		Publication Date:			
Tax Schedule:	LE	Expiration Date:			
Agent:		Agent Reference Number:			
		Title:	SYSTEM, METHOD AND APPARATUS FOR THE CONTROLLED DISSEMINATION OF DIGITAL WORKS		

Docket Number: 12147 US 00

Action(s) Due	Due Date	Indicator	Action Taken	Response Sent
Awaiting Off. Action-filing dt	16-Sep-2002	Reminder	<input type="checkbox"/>	<input type="checkbox"/>

Remarks: Transferred from Jenkins & Gilchrist; Continuing Application of 60/190268 filed 03/17/2000; IDS filed 06/18/01; Revocation and Power of Atty filed 10/09/01; IDS filed 03/25/02;

UserID: wrwilliams

Date Created: 5/30/2001

Last Update: 3/26/2002

**Country Applications**

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Tax Schedule:	LE	Expiration Date:			
Agent:		Agent Reference Number:			
		Title:	SYSTEM, METHOD AND APPARATUS FOR THE CONTROLLED DISSEMINATION OF DIGITAL WORKS		

Docket Number: 12147 US 00

Action(s) Due	Due Date	Indicator	Action Taken	Response Sent
Awaiting Off. Action-filing dt	16-Sep-2002	Reminder	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Remarks: Transferred from Jenkins & Gilchrist; Continuing Application of 60/190268 filed 03/17/2000; IDS filed 06/18/01; Revocation and Power of Atty filed 10/09/01;

UserID: wrwilliams

Date Created: 5/30/2001

Last Update: 0/10/2001

**Country Applications**

**Docket Number:** 12147 **Country:** US **SubCase:** 00  
**Client:** 00459933 ANDERSON MERCHANDISING United States of America  
**Matter:** 8 **CPA:** No  
**Case Type:** ORD **Application Status:** Pending  
**Application Number:** 09/810957 **Filing Date:** 16-Mar-2001  
**Patent Number:** **Issue Date:**  
**Publication Number:** **Publication Date:**  
**Tax Schedule:** LE **Expiration Date:**  
**Agent:** **Agent Reference Number:**  
**Title:** SYSTEM, METHOD AND APPARATUS FOR THE CONTROLLED DISSEMINATION OF DIGITAL WORKS

**Docket Number:** 12147 US 00

Action(s) Due	Due Date	Indicator	Action Taken	Response Sent
Awaiting Off. Action-filing dt	16-Sep-2002	Reminder	<input type="checkbox"/>	<input type="checkbox"/>

**Remarks:** Transferred from Jenkins & Gilchrist; Continuing Application of 60/190268 filed 03/17/2000; IDS filed 06/18/01; Revocation and Power of Atty filed 10/09/01;

**UserID:** wrwilliams **Date Created:** 5/30/2001 **Last Update:** 5/10/2001

**Country Applications**

**Docket Number:** 12147 **Country:** US **SubCase:** 00  
**Client:** 00459933 ANDERSON MECHANISING United States of America  
**Matter:** B **CPA:** No  
**Case Type:** ORD **Application Status:** Pending  
**Application Number:** 09/810957 **Filing Date:** 16-Mar-2001  
**Patent Number:**   
**Issue Date:**   
**Publication Number:**   
**Publication Date:**   
**Tax Schedule:** LE **Expiration Date:**   
**Agent:**   
**Agent Reference Number:**   
**Title:** SYSTEM, METHOD AND APPARATUS FOR THE CONTROLLED DISSEMINATION OF DIGITAL WORKS

**Docket Number:** 12147 US 00

Action(s) Due	Due Date	Indicator	Action Taken	Response Sent
Awaiting Off. Action-filing dt	16-Sep-2002	Reminder	<input type="checkbox"/>	<input type="checkbox"/>

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**UserID:** wrwilliams **Date Created:** 5/30/2001 **Last Update:** 5/19/2001

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Patent Number:		Issue Date:			
Publication Number:		Publication Date:			
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Docket Number: 12147 US 00

Action(s) Due	Due Date	Indicator	Action Taken	Response Sent
→ Awaiting Off. Filing Receipt	16-Jun-2001	Reminder	<input type="checkbox"/>	<input type="checkbox"/>
Information Discl. Stmt.	16-Jun-2001	Due Date	<input type="checkbox"/>	<input type="checkbox"/>
→ Awaiting Off. Action-filing dt	16-Sep-2002	Reminder	<input type="checkbox"/>	<input type="checkbox"/>

Remarks: Transferred from Jenkins & Gilchrist; Continuing Application of 60/190268 filed 03/17/2000;

UserID: wrwilliams Date Created: 5/30/2001 Last Update: 5/30/2001

**Bentford, Carla****NIXON PEARBODY LLP**

IPMaster (v1.5.1) - [Patent 1 of 1]

032207/008000	Ray VanDyke
United States	
REGULAR CASE TYPE	Anderson Merchandisers, LP
ORIGINAL OR PATENT CASE	Anderson Merchandisers, LP
NATIONAL CASE	

FILED	3/16/2001

09/810,957	3/16/2001

Washington	

**Bentford, Carla**

IPMaster (v1.5.1) - [Patent 1 of 1]

032207/008000

United States

REGULAR CASE TYPE

ORIGINAL OR PATENT CASE

NATIONAL CASE

Ray VanDyke

Anderson Merchandisers, LP

Anderson Merchandisers, LP

IDS Filed 6/18/2001

PETITION FOR REVIVAL OF 4/21/2004

REVOCATION OF POWER OF 10/9/2001

IDS Filed 3/25/2002

ACCEPTANCE BY PTO 2/3/2003

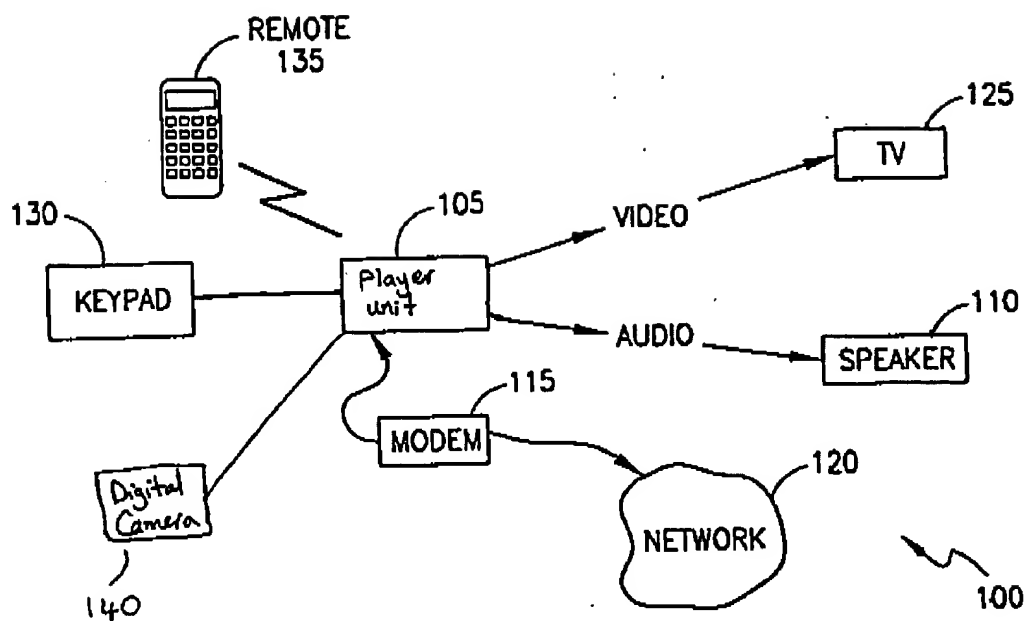
IDS FILED \*\* ACTION IN FILE (TRANSFERRED TO IN)

FILE PETITION TO REVIVE \* CAB communications from

ACTION IN FILE PTO STAMP\* (TRANSFERRED TO ND)

ACTION IN FILE PTO STAMP \* CAB

NOTICE OF ACCEPTANCE OF POA IN FILE W/PTO STA

**FIG. 1**



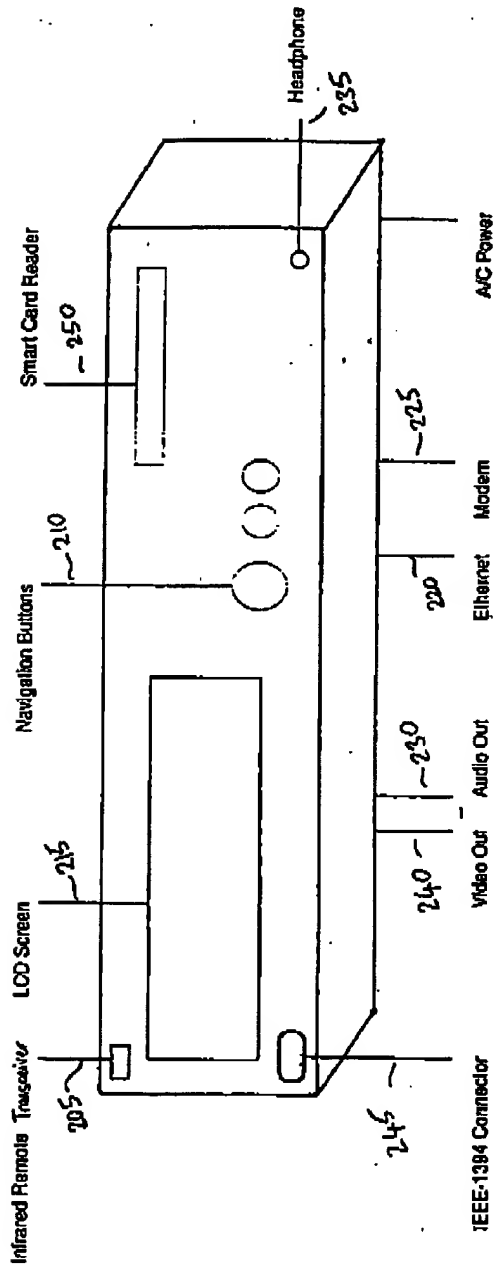
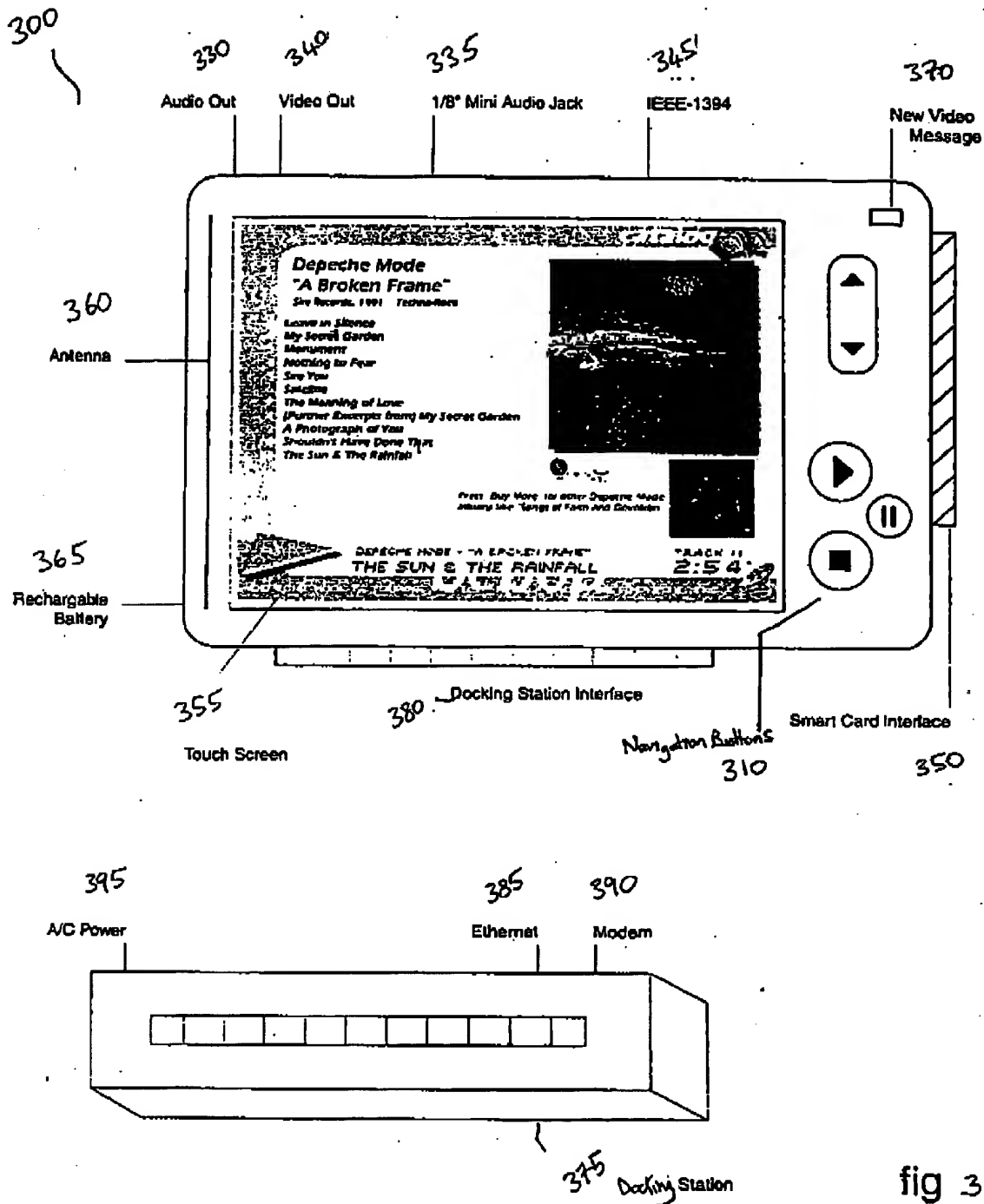


fig 2



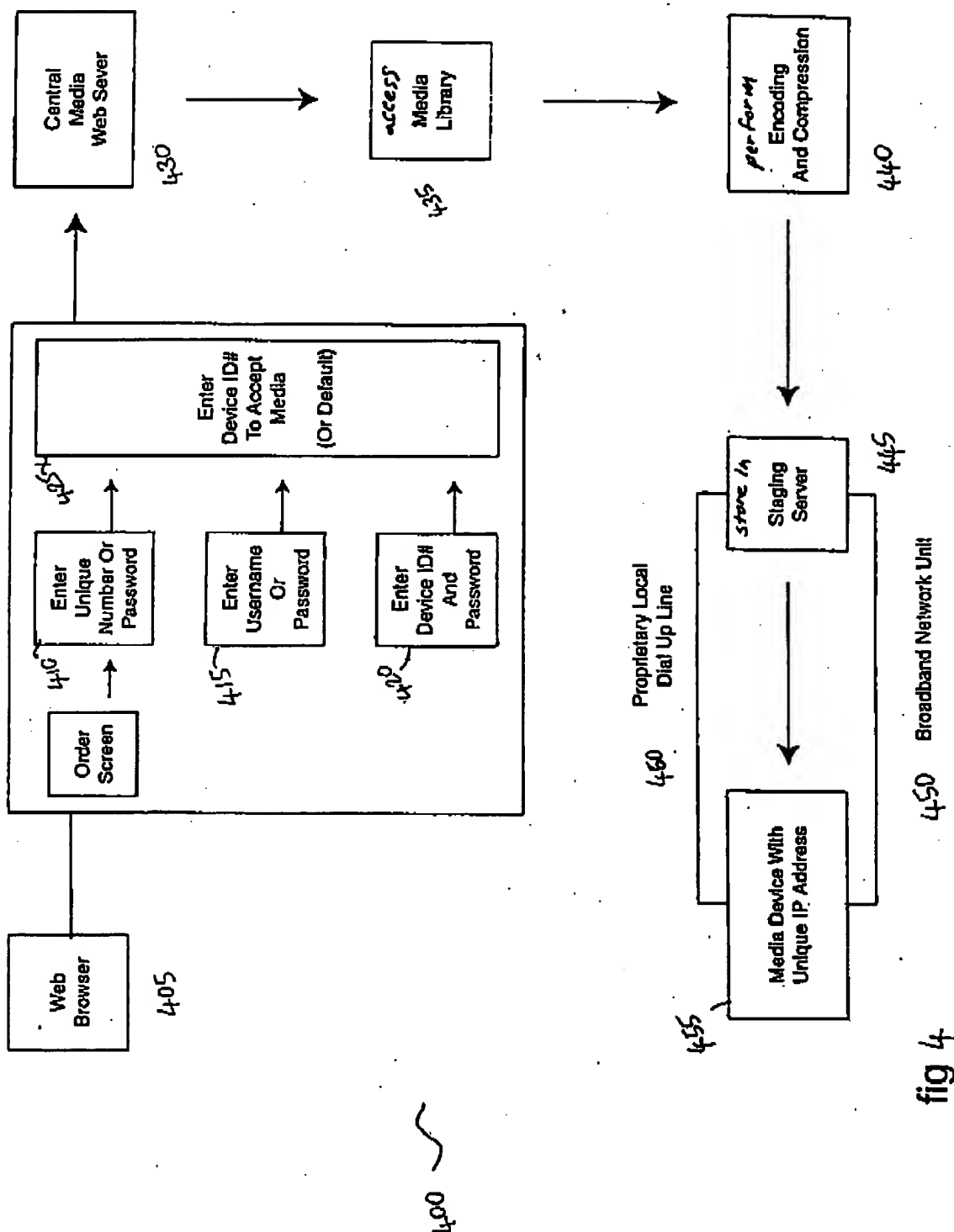
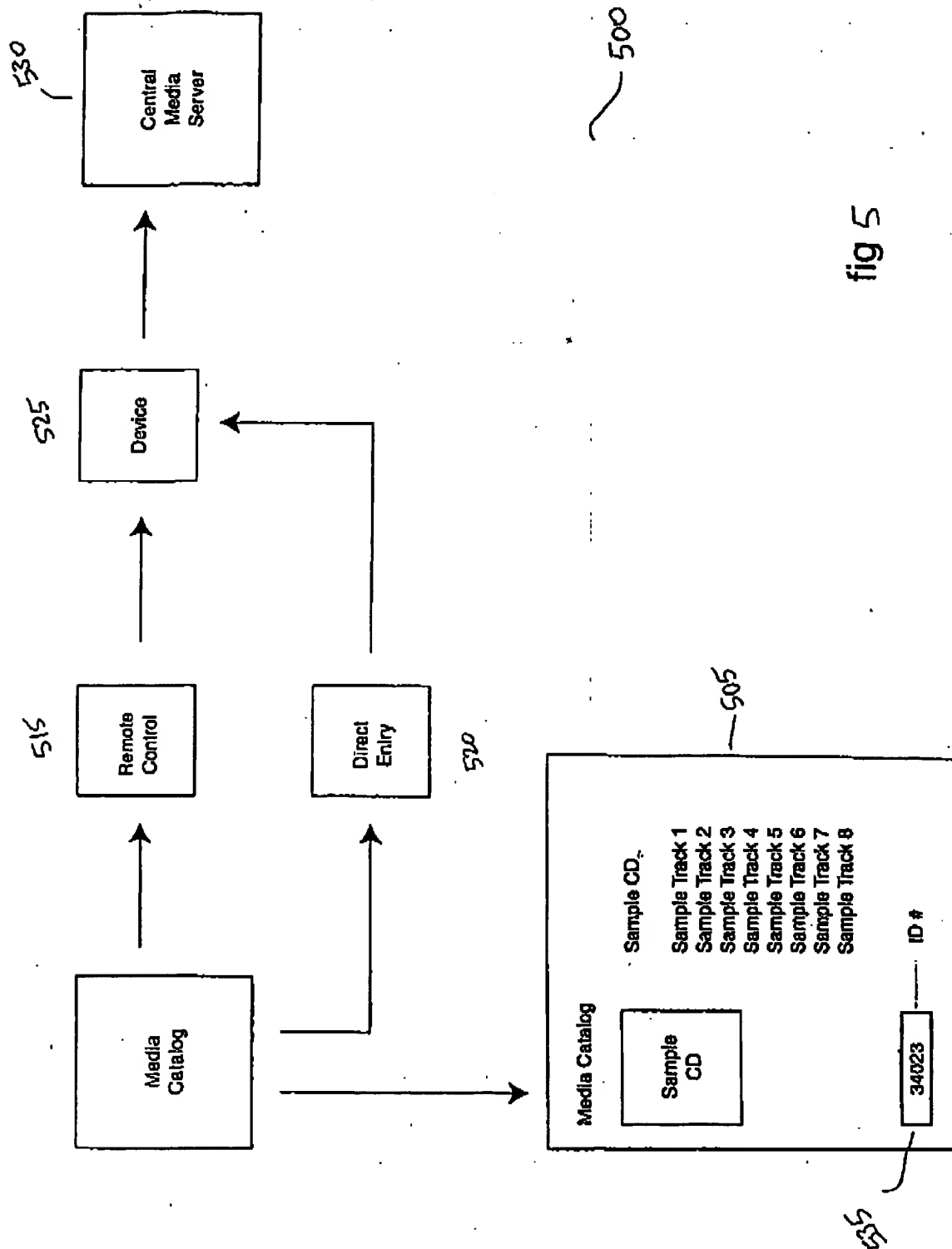


fig 4



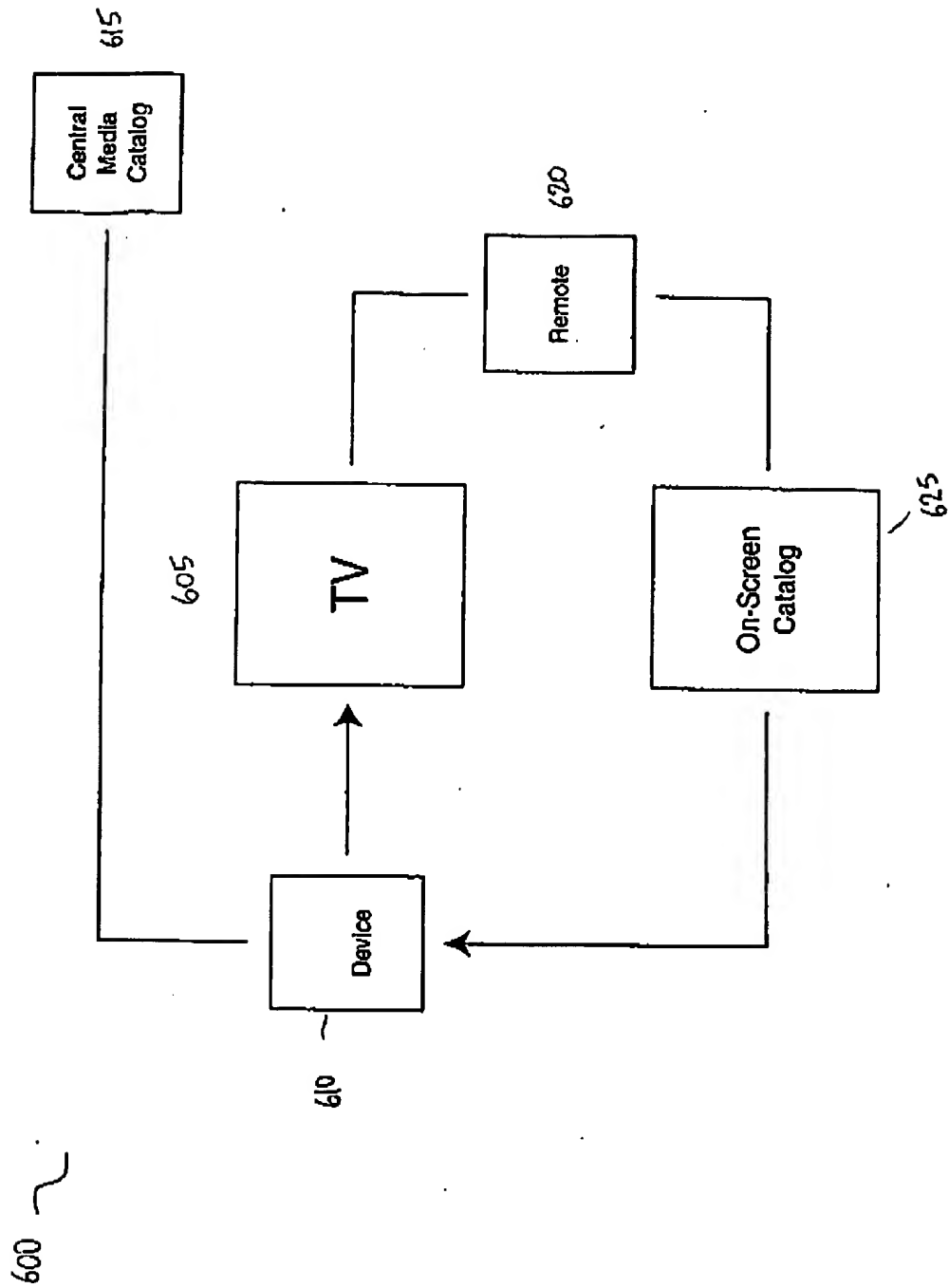


fig 6

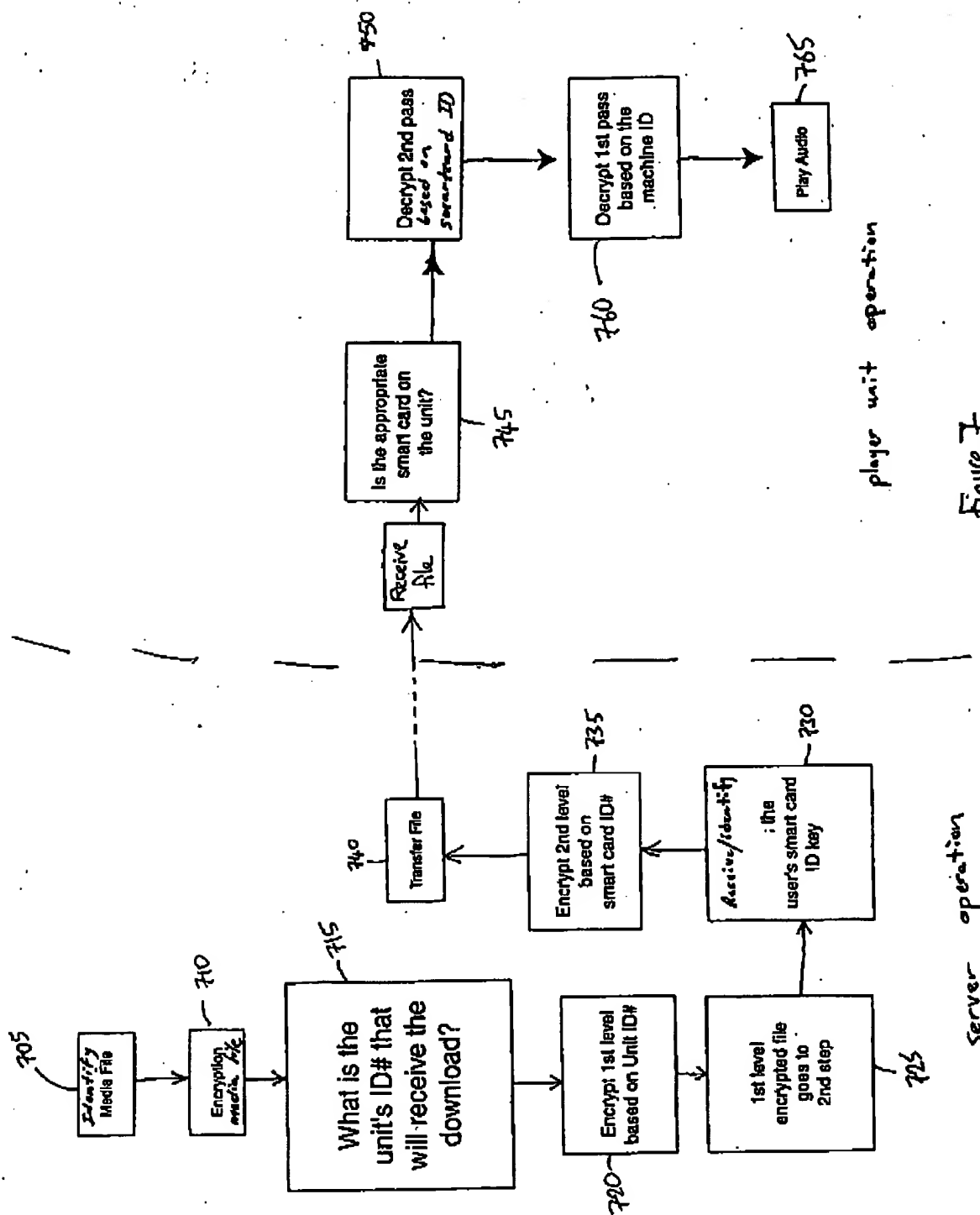


Figure 7

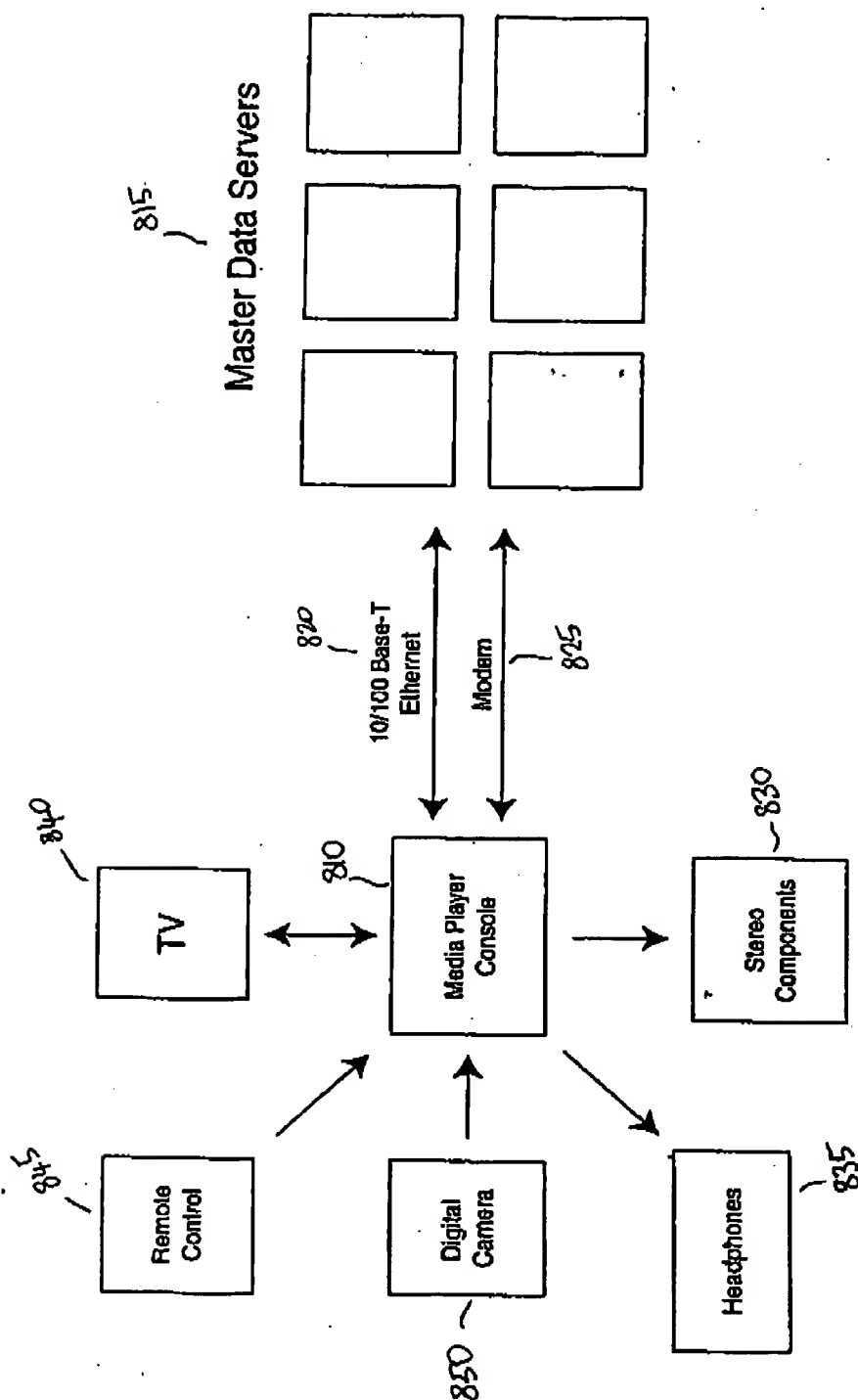


fig 8

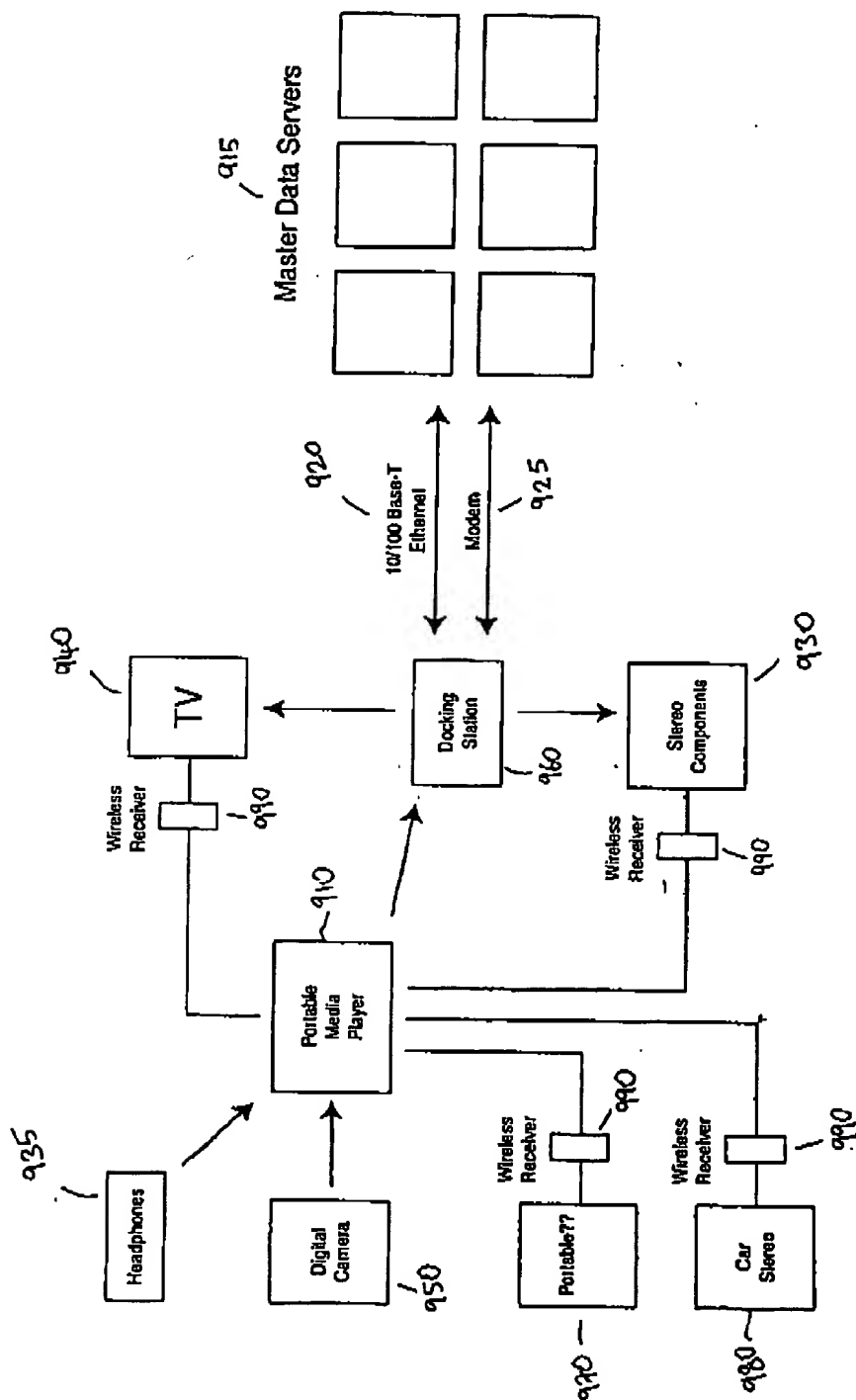
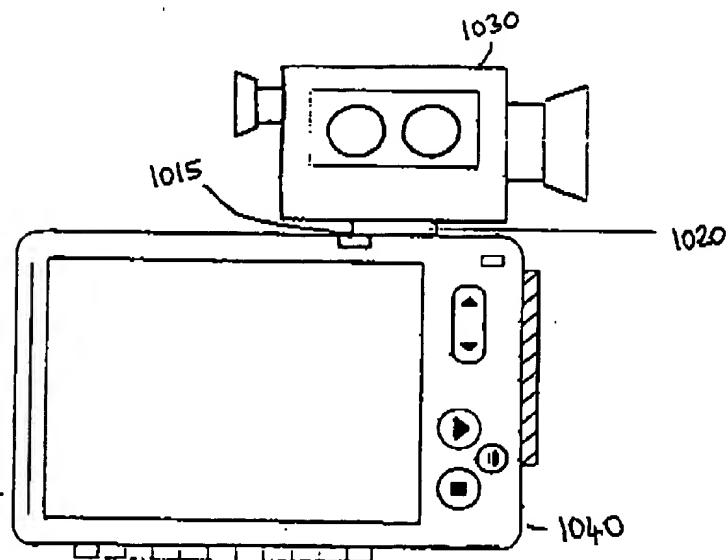
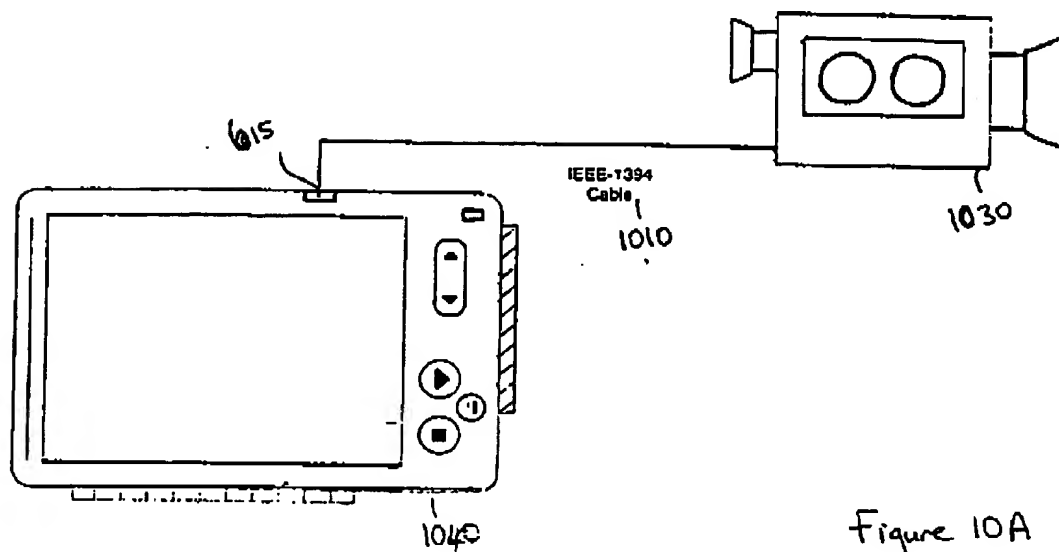


fig 9





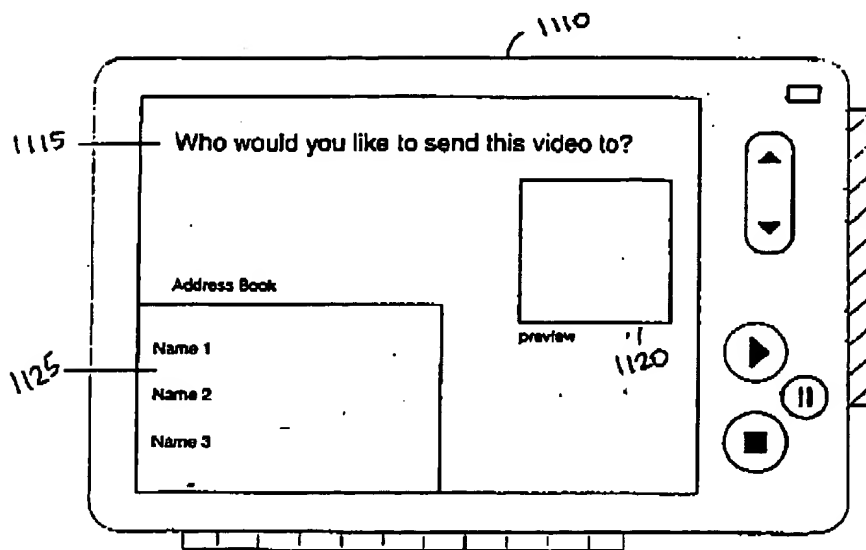


Figure 11A

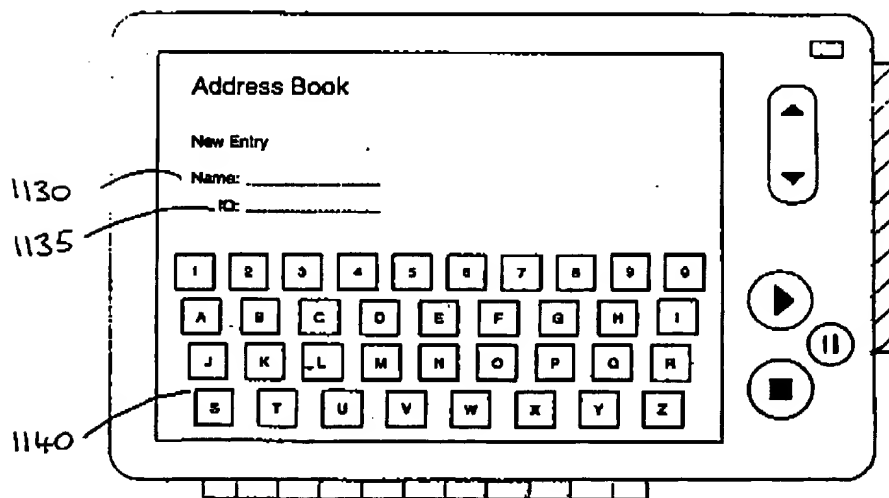


Figure 11B

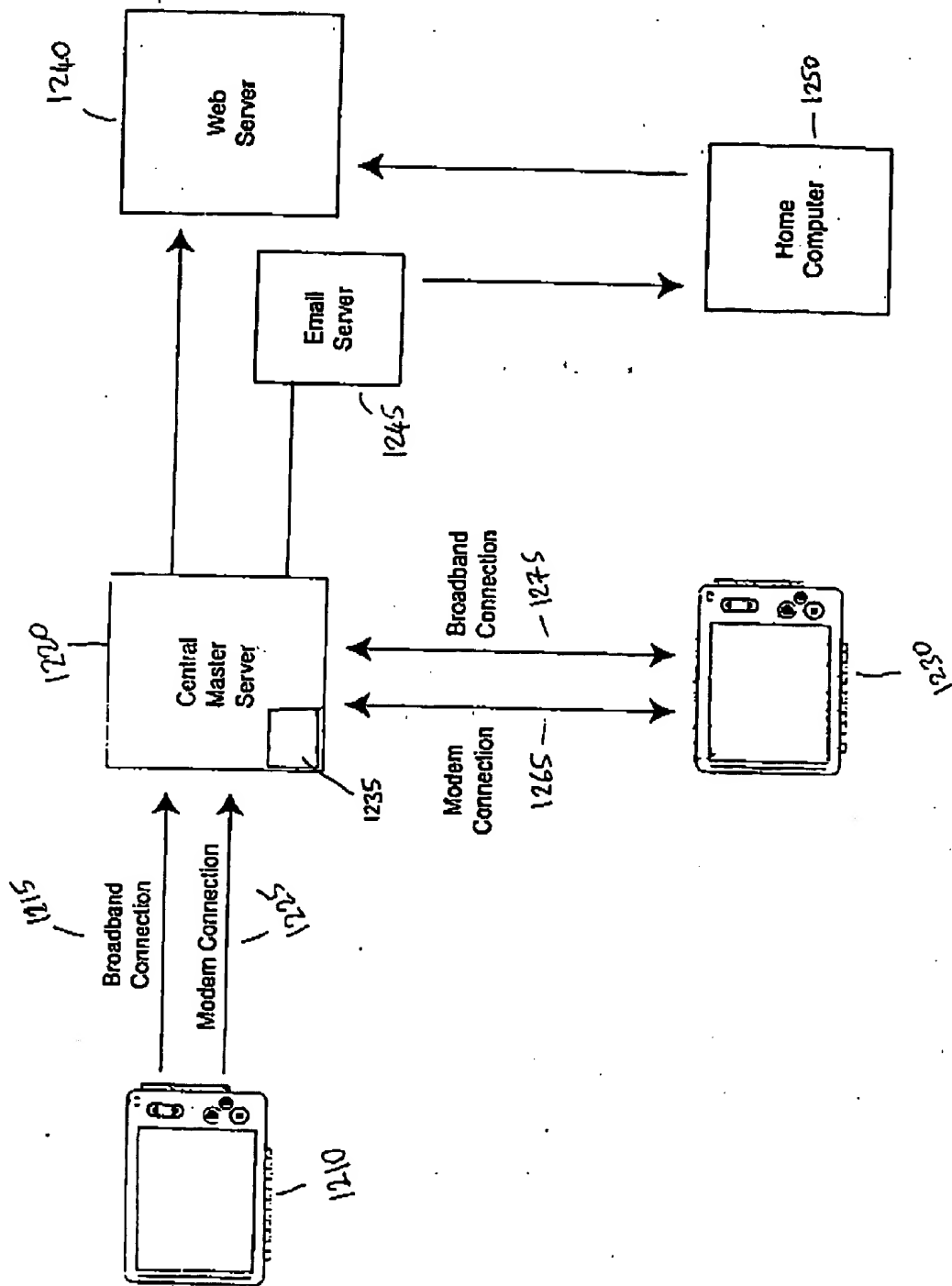


fig 12